

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72827

Alexander Sivels  
100 Hemison Court  
Baltimore, MD 21208

626 47<sup>th</sup> Street

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 17, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 13-4-201, failure to remove all trash and debris, failure to pick up trash and store in rodent resistant cans with tight fitting lids on residential property zoned DR 5.5 known as 626 47<sup>th</sup> Street, 21224.

On February 24, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$3,000.00 (three thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 25, 2010 for removal of trash and debris from this residential investment property, and storage of garbage in containers with tight lids. This Citation was issued on February 24, 2010.

B. Photographs in the file show an upholstered sofa outside in the yard next to the house. Photographs also show other pieces of discarded furniture and a large red grocery store shopping cart outside in the yard. Photographs also show numerous bagged and unbagged newspapers strewn on the walk and yard. Re-inspection on March 16, 2010 found no improvement. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full penalty will be imposed, and the County will be authorized to remove the junk, trash and debris, at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by April 5, 2010.

IT IS FURTHER ORDERED that after April 5, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

626 47<sup>th</sup> Street  
Page 3

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22<sup>nd</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf